IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4367 of 2005

Between:

1 A. Venkateswara Rao, S/o Ammi Raju,
R/o Mellacheruvu Village and Mandal, Nalgonda District.
2 Shaik Aziz, S/o Lateef Saheb,
Chintalapalem, Mellacheruvu Mandalam, Nalgonda District.

..... PETITIONERS

AND

1 The Prohibition and Excise Sub Inspector, Huzurnagar Excise Station, Nalgonda District.
2 The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Wit Order or Direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in seizing the Black Jaggery along with vehicle bearing Reg.No. AP-07-M-7564 under P.R.No. 308/2004-054 on the file of the 1st respondent as illegal, arbitrary and consequently direct the respondents herein to release the said stocks and also the vehicle AP-07-M-7564 in favour of the petitioners, and pass such other order or orders as are deemed fit and proper in the interest of Justice.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

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ORDER:.

Heard.

This writ petition is filed for issuance of writ particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in seizing the Black Jaggery along with vehicle bearing Registriation No. AP 07-M-7564 under PR No. 308 of 2005-2005, on the file of the first respondent, as illegal and arbitrary.

It is represented by the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders, in accordance with law.

In the circumstances, the Writ Petition is disposed of, granting liberty to the petitioner to make an appropriate application before the second respondent herein, for release of the seized goods, within a period of two weeks from today. If such an

application is made, the second respondent is directed to consider and dispose of the same, on furnishing bank guarantee of the value of the goods, as determined by him, in accordance with law, within a period of two weeks from the date of receipt of such application from the petitioner. No order as to costs.

D.S.R. VARMA, J

DATED: 10.03.2005

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Note: Furnish copy in two days.

To

1 The Prohibition and Excise Sub Inspector, Huzurnagar Excise Station, Nalgonda District.
2 The Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District.

3. 2 CCs to G.P. for Prohibition and Excise, High Court of A.P., Hyderabad. (OUT)

4. 2 CD Copies.